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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,216	03/10/2004	Steven M. Harris	3328.001	4133
30589	7590	11/17/2009	EXAMINER	
DUNLAP CODDING, P.C. PO BOX 16370 OKLAHOMA CITY, OK 73113			PICH, PONNOREAY	
		ART UNIT	PAPER NUMBER	
		2435		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/797,216	HARRIS, STEVEN M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	PONNOREAY PICH	2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 October 2009.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4-32 is/are pending in the application.
  - 4a) Of the above claim(s) 5-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 20-31 is/are rejected.
- 7) Claim(s) 4 and 32 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>10/09</u> .	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

This application contains claims 5-19 which are drawn to an invention nonelected without traverse. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Note that the application has been docketed to a new examiner.

### ***Response to Amendment and Arguments***

Applicant's amendments and arguments submitted on 6/29/09 were considered, but are moot in view of new rejections made below in response to the amendments.

### ***Information Disclosure Statement***

The IDS submitted on 10/28/09 was considered.

### ***Claim Objections***

Claims 1, 4, and 20-32 are objected to because of the following informalities:

1. As per claims 1 and 31:
  - a. "the recipient's computer" lacks antecedent basis.
  - b. "the application program" should be "the at least one application program".
2. "the recipient" recited in the last line of claim 20 lacks antecedent basis.
3. "TaskManager" and "Windows" as used in claim 28 are trademarks and appear to be used to describe particular products. As per MPEP 2173.05(u), this makes

the claim indefinite as use of a trademark in a claim to identify a product renders the claim indefinite.

4. Claims not specifically addressed are objected to due to dependency.
5. Appropriate correction is required.
6. Applicant should fully review the claims to find any other informality which may render the claims indefinite which may have been inadvertently missed by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 20, 31, 21, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (US 7,136,490) in view of Grant McDonald ("Meet Critter: serials 2000, An interview with Critter of Serials 2000").

#### **Claims 1, 20, and 31:**

As per claim 1, Martinez discloses distributing the password protected content file to the recipient's computer (col 3, lines 30-34) wherein the unlocking program (i.e. password wallet) runs separately from and monitors at least one application program (col 3, lines 62-65) and automatically supplies the password embedded within the

unlocking program to the at least one application program upon the at least one application program loading the password protected content file (col 3, lines 40-48; col 6, lines 36-54; and col 8, lines 61-67) wherein the password embedded within the unlocking program is not revealed to the recipient (col 7, lines 46-52; col 8, lines 61-67; and Fig 6).

Note that the claim language does not prohibit the supplying of the password being done automatically in response to not only the detection of the password protected content file being loaded, but also in response to detection of something else. In the case of Martinez's teachings, the password wallet automatically supplies the proper password automatically upon detection of a password protected file being loaded and upon detection of a valid master password being loaded. It would also have been obvious to modify Martinez's password wallet so that it supplied the proper password automatically upon just the detection of the password protected content file being loaded. Note that Martinez teaches that there were several prior art wherein the user does not even have to manually enter a password to load a saved password (col 2, lines 16-60). At the time applicant's invention was made, it would have been obvious to Martinez's password wallet so that it supplied the proper password automatically upon just the detection of the password protected content file being loaded for user's convenience--some users don't want to even remember a master password.

As per the limitation of distributing to the recipient's computer an unlocking program having a password embedded within the unlocking program, the password corresponding to the password that protects the password protected content file,

McDonald discloses the limitation (see whole article regarding Serials 2000). Serials 2000 is a database of serial numbers/password for various contents which may be downloaded and it has been around since at least the year 2000.

At the time applicant's invention was made, it would have been obvious to one skilled in the art to modify Martinez's password wallet to include features from Serials 2000 such that it can be downloaded and it already had one or more passwords for various contents already embedded within it. One skilled would have been motivated to do so because it having the serial numbers/passwords of one more content already embedded within the password wallet would make it nice and easy to use as well as fulfilling various other needs (McDonald: p3, "What's the point of Serials 2000. Is it a lark, a political statement or filling a need in the internet community").

Claim 20 is directed towards an unlocking program which performs the method of claim 1, thus is rejected for substantially similar reasons.

Claim 31 is substantially similar to claim 1 and is rejected also for substantially similar reasons. Claim 31 additionally recites the additional limitation that the unlocking program also initiates at least one application program automatically, which is also disclosed by Martinez (col 7, lines 46-52 and col 8, lines 61-67).

**Claim 21:**

Martinez further discloses wherein the unlocking program includes at least one instruction to initiate the application program to cause the application program to load the password protected content file (col 7, lines 46-52 and col 8, lines 61-67).

**Claim 23:**

Martinez further discloses wherein the unlocking program is adapted to run independently of the application program (col 3, lines 62-65).

**Claim 30:**

Martinez does not explicitly teach the password protected content file is characterized as a .pdf file. However, official notice is taken that password protected .pdf files were well known in the art at the time applicant's invention was made. It would have been obvious to one skilled in the art to modify Martinez's invention further such that the password protected content file is characterized as a .pdf file and Martinez's password wallet provides password to unlock .pdf files. It is obvious to do so because it would be nothing more than simple substitution of one known element (i.e. type of content protected by a password) for another to achieve predictable results.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (US 7,136,490) in view of Grant McDonald ("Meet Critter: serials 2000, An interview with Critter of Serials 2000") in further view of Schreiber et al (US 6,298,446)

**Claim 22:**

As per claim 22, Schreiber discloses the means for preventing a screen capture representing at least a portion of the content stored in the password content file (col 2, lines 27-30).

At the time applicant's invention was made, it would have been obvious to one skilled in the art to further modify the teachings of Martinez such that it prevents a screen capture representing at least a portion of the content stored in the password

content file. One skilled would have done so because it would provide an enhanced system to protect software from rampant unauthorized copying, distribution, and use (Schreiber: col 1, lines 21-23 and col 2, lines 27-30).

Claims 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al (US 7,136,490) in view of Grant McDonald ("Meet Critter: serials 2000, An interview with Critter of Serials 2000") in further view of Winneg et al (US 7,069,586).

**Claims 24-26 and 28-29:**

As per claims 24-26 and 28-29, Martinez does not explicitly disclose monitoring the running of at least one system administration program (i.e. Task Manager program) capable of terminating the program and automatically terminating the system administration program/the application program upon detecting the running of such system administration program and to prevent termination of a program. However, Winneg et al. discloses: *the unauthorized process list may include browser applications, applications for scheduling tasks to be performed on the computer system, and applications for managing tasks performed on the computer system, (e.g., Microsoft Task Manager). Terminating task-managing manager and task-scheduling applications prevents a process (e.g., an application) that has been scheduled to execute during execution of the first application from executing (e.g. col. 19, lines 46 -60)*, which met the claimed limitation of monitoring the running of at least one system administration program (i.e. Task Manager program) capable of terminating the program and automatically terminating the system administration program/the application program

upon detecting the running of such system administration program and to prevent termination of a program.

Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to further modify Martinez's teachings with monitoring the running of at least one system administration program (i.e. Task Manager program) capable of terminating the program and automatically terminating the system administration program/the application program upon detecting the running of such system administration program and to prevent termination of a program taught by Winneg et al. in order to provide information about the processes and programs running on a computer, as well as the general status of the computer and also to ensure unauthorized content may not be accessed (e.g. *Winneg et al.*, col. 2, lines 38-39 and col. 19, lines 46 -60)

This combination would predictably result a well known computing system includes/terminates a Task Manager program provided with a Windows operating system to provide general status of a computer and ensure application security. It has been held that “[t]he combination of familiar elements according to known methods is likely to be obvious when it does not more than yield predictable results.” *KSR.*, 127 S. Ct. at 1739, 82USPQ2d at 1395 (2007) (citing *Graham*, 383 U.S. at 12).

**Claim 27:**

Martinez implicitly teaches wherein the unlocking program includes an instruction that terminates the unlocking program after the application program has been terminated (col 3, lines 62-65). The password wallet can be implemented as a feature

of the application program, thus if the application program terminates, the password wallet also terminates.

***Allowable Subject Matter***

Claims 4 and 32 would be allowable if rewritten to overcome any objections or rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PONNOREAY PICH whose telephone number is (571)272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ponnoreay Pich/  
Primary Examiner, Art Unit 2435